

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
FILE NUMBER:

Kansas City District (CENWK)
200402003

REGULATORY PROJECT MANAGER:

Stephen H. Penaluna

Date: 31 Aug 2004

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office Y (Y/N)

Date: 31 Aug 2004

At the project site N (Y/N) Date:

PROJECT LOCATION INFORMATION:

State:

Kansas

County:

Sedgwick

Center coordinates of site by latitude & longitudinal coordinates:

Lat. 37-37--51.600/Long. 97-26-2.940

Approximate size of site/property (including uplands & in acres):

64

Name of waterway or watershed:

Middle Arkansas - Slate (11030013)

SITE CONDITIONS:

| Type of aquatic resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear feet | Unknown |
|---|---------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mudflat | | | | | | | | | |
| Sandflat | | | | | | | | | |
| Wetlands | | | | | | | | | |
| Slough | | | | | | | | | |
| Prairie pothole | | | | | | | | | |
| Wet meadow | | | | | | | | | |
| Playa lake | | | | | | | | | |
| Vernal pool | | | | | | | | | |
| Natural pond | | | | | | | | | |
| Other water (identify type) Man made stock pond. | 0.53 ac | | | | | | | | |

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors ¹ : | If Known | | If Unknown Use Best Professional Judgment | | |
|---|----------|----|--|-----------------------|--------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not Able To Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties? | | | | X | |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | | X | |
| Is or would be used as habitat for endangered species? | | | | X | |
| Is used to irrigate crops sold in interstate commerce? | | | | X | |

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary

Or

Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

1. A small (0.53 surface acre) stock pond is located in uplands adjacent to tilled acreage. Pond was apparently excavated, and displays no inlet/outlet features, and receives water by sheet flow.

2. The pond is located adjacent to cultivated lands, and no evidence was found to suggest any past connection to waters of the United States.

3. Due to the proximity (end of runway) to a commercial aviation activity (Wichita Mid-Continent Airport), adjacent agricultural operations, and the small size of the subject pond, it is unlikely it would be suitable habitat for Migratory Bird Species, or any other interstate commerce nexus.

4. The pond is located about 200 yards north of a 350-foot long segment of Cowskin Creek, a perennial stream that flows west to east across southwest corner of the subject parcel.